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LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



His Excellency Fernando Maria Castiella

Spain's Minister for Foreign Affairs

Assignment: Washington

An interpretative report of church, state, and politics on Capitol Hill.

■ For the information of members of Congress making a study of religious instruction in public schools, the Legislative Reference Service of the Library of Congress has just issued its 1966 supplement to its earlier compilation of court decisions in this area. This latest revision adds ten cases to the previous compilation of 53 decisions. Florida, New York, and New Jersey are listed with two cases each and Delaware, Idaho, Massachusetts, and Michigan with one each.

Questions in the cases included not only prayer and Bible reading but also such issues as baccalaureate services, a religious census of school children, and a religious test for teachers.

■ Members of Congress who, from time to time, have been turned down by the Post Office Department in their requests for issuance of commemorative postage stamps with some kind of religious motif, were surprised when the Department issued a press release announcing that the Polish Millennium stamp that went on sale July 30th "commemorates the one thousandth anniversary of the adoption of Christianity in Poland—the most significant event in Polish history."

A white cross appears above the central figure of the vertical stamp, which is printed in red. The stamp imprint, designed by Edmund D. Lewandowski, of Milwaukee, is in the form of a red shield on which the traditional Polish eagle is imprinted in white. The wording is "Poland's Millennium 966-1966," and the Post Office Department's press release says, "A symbolic cross appears between the dates."

Members of Congress in the past have attempted to persuade the Department to issue stamps with a religious theme at Christmas time, and on another occasion the Department turned down a request for a stamp commemorating a Knights of Columbus anniversary.

■ While memorializing Congress to propose an amendment to the First Amendment of the Constitution reversing the recent decision of the Supreme Court on prayer, the Senate of the Maryland Legislature has also memorialized the Supreme Court to interpret and apply the First Amendment "in the manner intended by those who framed that amendment."

Citing a series of decisions of the high court dealing with prayer and belief in God, the Free State legislators said in their memorial that when the people established means of amending the Constitution "they did not provide that amendments be made by the Supreme Court of the United States, and it is a debasement and defilement of the rights of a democratic people under a republican form of government that we should thus be ruled by judicial fiat through an oligarchic group not responsible to the electorate."

The two sets of resolutions were circulated among members of Congress. There still appeared, at the time of this writing, to be little likelihood of the prayer amendment proposal getting through Congress during this session.

■ The Supreme Court prayer decisions had no effect on the duties of the chaplains of the U. S. Congress, but the record of this Congress will show that prayers of the Senate chaplain became the subject of a heated discussion at one session this year.

At the beginning of each day's session it is customary for the Senate to approve the Journal of the preceding day. One day Sen. Sam Ervin (N.C.) surprised his colleagues by proposing an amendment to the Journal to include the prayer delivered by the chaplain. The Journal itself contains only a report of what actually happened on legislation. Prayers had not been included. The bout ended in a tie when the Senate voted to table the Ervin amendment.

25 cents
a copy

LIBERTY

Washington
D.C.

A MAGAZINE OF RELIGIOUS FREEDOM

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RELIGIOUS LIBERTY ASSOCIATION OF AMERICA *Declaration of Principles*

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right to freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent rights of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

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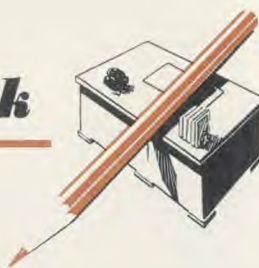
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His Excellency Fernando María Castiella y Maíz, Foreign Minister of Spain, replies to questions from the editor of *LIBERTY*. Seated with him is Dr. Jean Nussbaum, Secrétaire Général, Association Internationale Pour la Défense de la Liberté Religieuse.

MENTION Spain and one evokes images of bull fights, of Don Quixote gallantly challenging a windmill, of tambourines and castanets and swirling petticoats, of inexpensive vacations on sun-drenched slopes. Or, on more sober reflection, of religious intolerance, with which, since the Inquisition, Spain has been synonymous. It is the latter image that most often has been reflected in *LIBERTY*.

On the eve of passage of a religious liberty bill by the Spanish Cortes, we take another look: What does the Spanish constitution say about religious liberty? What are the provisions of the concordat between the Holy See and Spain? Under what restrictions have Protestants in Spain sought to witness? To what degree has the Vatican II religious liberty document influenced drafting of the Spanish bill?

These and other questions are treated in this issue. Certain vital passages from the constitution appear on pages 18, 19. Excerpts from the concordat—which perhaps more than any other document reveals the extent of Roman Catholic influence on both Spain's internal and

foreign affairs and the degree to which the institutions of the church are supported by state funds and decrees—begin on page 16. W. L. Emmerson, our contributing editor in London, takes us behind the Vatican religious liberty document for a look at its philosophical props. (See page 24.)

For a better understanding of the Spanish religious liberty document, I interviewed His Excellency Fernando María Castiella y Maíz, Spain's Foreign Minister, who perhaps more than any other man, with the exception of Pope John himself, might justly be called the conscience behind the bill. Was it tourism and the dollar or principle that motivated his spirited struggle for passage of the religious liberty document? For his answers, see page 7.

There were some questions I didn't ask Señor Castiella: for example, How would he appraise the three popes with whom he had worked as Spain's ambassador to the Holy See and as Foreign Minister—Pius XII, John XXIII, and Paul VI? Other questions I did ask were answered—off the record. Despite the

journalist's aversion for unreportable tidbits, I must admit that, given his job, and with a meaningful religious liberty document at stake, I would have followed the same course.

I knew, too, that he could not discuss details of the document until after it had been acted upon by the Cortes. But knowing that the law was intended basically to legitimize Protestants in Spain, and having interviewed Protestant leaders, ambassadors, and other *personae dignitatis*, I knew pretty well what the bill must contain. The question was: To what degree would its provisions have to be modified to gain passage by the Cortes?

When Señor Castiella brought a copy of the document to the low table at which we were talking, I noted that it was printed in four columns of different colored ink. He explained that the first column, printed in black, was the first draft made before Vatican Council II acted on the religious liberty schema. This draft, made with a purely Spanish vision of the Spanish problem, was that which, to the dismay of Protestants around the world, was not acted upon by the Cortes in 1964.

The second color, red, represented changes suggested by Señor Antonio Garrigues, Spain's ambassador at the Vatican (and previously ambassador in Washington), in the light of liberties approved by the Vatican Council document. The third column, in blue, was a word-for-word reproduction of the Vatican document. The fourth column, in green, represented changes suggested by a committee headed by the Minister of Justice.

In whatever form the Spanish religious liberty document is passed, I feel safe in predicting that it will hardly reflect the First Amendment freedoms that in the American lexicon have come to be equated with true religious liberty. Nor will it reflect the vision of freedom held by Señor Castiella. As a guess, because of Spain's confessional tradition and the opposition of a significant segment of its hierarchy, the document will fall short even of the principles approved by the religious liberty document of Vatican II.

I am trying to remember as I write this that the United States Supreme Court landed a legal haymaker squarely on the chin of segregation in 1954. Yet today, some 12 years later, only token integration has been achieved in the States of the deep South. Prejudice dies hard. Cultural patterns are not changed overnight—nor even, in some instances, after twelve years. Spain has set her steps toward religious freedom. She will not arrive in one leap. She may not arrive at all. At any rate, Señor Castiella has her headed in the right direction.

Rand R. Hegstad

"dear sir:"



CENTRAL CHRISTIAN COLLEGE CORRECTIONS

ALVIN O. LANGDON, *President*
Huntington, West Virginia

The First Church of Psychology has never advertised in the *National Observer* or *Popular Mechanics*. Central Christian College is an accredited educational institution, operating under accreditation by the Association of Fundamental Institutions of Religious Education, chartered in the State of Ohio, and by the National Educational Accrediting Association, whose trademark is registered with the Secretary of State, West Virginia. The Calvary Grace Christian Churches of Faith, a corporation of the State of Florida . . . is listed in several religious yearbooks, and in other national information digests such as the *World Almanac*. . . . Langdon Music is not an adjunct of Central Christian College, but is a privately owned publishing firm operating under West Virginia State License for many years along with the Langdon Children's Center, which supports hundreds of children each year and was also operated under State License.

Recently, the United States Government issued a statement through the Associated Press which stated: ". . . West Virginia is the most politically corrupt state in the nation. . . ." We might also add, the most Communistic since it is the only State in America where a church may be ordered closed and directed to hold no religious services; where the World Youth Council, the National Gospel Quartet Association, all religious organizations are ordered closed without any formal or legal charge being placed against them; where a private business may be closed and the records of its operations seized without benefit of court order or search warrant; where a pastor of any church cannot be ordained in the church, issued a certificate of ordination or an honorary degree in religious education without first obtaining permission from the State Board of Education, or applying to the Secretary of State for a charter before issuing such certificates.

West Virginia is known as the "Switzerland of America." The name is misleading. It should be called the "Moscow of America" since its educational policies are controlled by a centralized Board of Education who exercises power and authority over every church and church school in the State. Such actions have no place in a democracy.

[The author replies: Mr. Langdon is technically correct in his assertion that "the First Church of Psychology has never advertised in the *National Observer* or *Popular Mechanics*." The advertisement was placed by Central Christian College. This is quibbling over definitions.

However, in the sight of West Virginia Attorney General C. Donald Robertson, there is no differentiation between the First Church of Psychology and the educational division, Central Christian College. Both were closed by court order.

As far as "accreditation" is concerned, Mr. Langdon stated in an interview that the Association of Fundamental Institutions of Religious Education was formed "for the purpose of accrediting educational institutions who are not accredited by

the North Central Association or not even considered by North Central or any other accrediting association in the country."

Anyone could set up a so-called "accrediting association." Therefore to call a school "accredited" carries no weight at all unless it is approved by a recognized accrediting association. The accrediting association referred to by Mr. Langdon is not found in any listings of recognized accrediting associations.

Langdon Music, I still maintain, is an "adjunct" of Central Christian College. Webster defines *adjunct* as "something joined or added to another thing but not essentially a part of it." Mr. Langdon had his music business in the home housing Central Christian College when I visited him. However, it too was closed by the court order that has halted Mr. Langdon's activities.—MORTEN JUBERG.]

PORNOGRAPHY COMMENTS

GRANT UTLEY, *Publisher*
The Cass Lake Times
Cass Lake, Minnesota

Was interested in your article on "Lewd Literature," and am sending you a copy of a letter I wrote to the *Minneapolis Tribune* some time ago.

I think you will admit that it is hard to fight these people without giving them what they want—more publicity.

You are making a good fight.

BARBARA SEAMAN, *Psychiatric Reporter and Magazine Columnist*
New York, New York

Please convey my compliments to the Reverends Buchanan and Brown for their excellent article on pornography. As a psychiatric reporter and magazine columnist (*Bride's Magazine*, "Understanding Your Marriage"; *The Ladies Home Journal*, "It's in Your Mind") I have long been distressed that so few of the popular articles on pornography are objective and truly enlightened. In my opinion this was by far the best and fairest popular article on the topic I have ever seen.

BIBLE TEST CHALLENGES

ISABEL M. MURDOCK
Bowie, Maryland

In reading your March-April, 1966, issue of *LIBERTY*, I came across the "Check Your Knowledge of the Bible" feature and think it is an excellent examination. . . . I took the magazine down to the office and showed it to a couple of Sunday school teachers, who reacted the same as I did. We would like to get your permission to make a couple copies to use to test

the knowledge of these youngsters, as well as a copy for myself to remind me that I need to do a lot of studying. I hope you have more questionnaires in the future—maybe I can do better.

FREEDOM OF CONSCIENCE—SOPHISTRY?

RAWSON B. DIXON
Seattle, Washington

I do not want your magazine because it is a nonunion publication, as indeed are all Adventist magazines. I note also, that *LIBERTY* advocates the so-called right-to-work laws, although these laws are openly espoused by employers' associations bent upon destroying the power of the worker to try to improve his working conditions.

As a matter of fact, the Adventists owe a debt of gratitude to labor unions for the benefits they have conferred on the Adventist worker.

Time was when the Adventist could hold only the most poorly paid jobs because he would have to work on Saturday to fulfill the normal requirement of the six-day week. With the advent of the five-day week many jobs were open to the Adventist that still would allow him to have Saturday off and earn a decent wage. . . .

Certainly the Adventist Church's advocacy of right-to-work laws is a political and economic stand that has nothing to do with religion. The "freedom of conscience" argument is simple sophistry.

I note that you are espousing the cause of the Mennonites. Although I am an infidel, I have had a sympathy for these people. So far as I have heard, they mind their own business, try to oppress no one, and do not support a parasitic press agency or big church bureaucracy.

I suppose, in a way, we do think along similar lines: The other fellow's voodoo is nonsense, but mine is holy.

[The Adventist Church has taken no stand on right-to-work laws. The Mennonites appeared before a Congressional committee, as did the Adventists, to espouse a conscience clause. And no sophistry is simple.—ED.]

THE AMISH

FRANK W. GEORGE
Birmingham, Alabama

Thank you for including the articles on the Amish people.

Would it be possible for you to send me a print of the entire cover of the May-June issue? I would like to hang it in my office or my home as a warning of what is happening in this country.



IN THE STAR-STUDDED constellation of international diplomacy few men have more impeccable scholastic credentials than Spain's Minister of Foreign Affairs, Fernando María Castiella y Maiz, college professor turned diplomat. Graduate of the universities of Madrid, Paris, Cambridge, Geneva, and the Academy of International Law, the Hague, Señor Castiella has been Minister of Foreign Affairs since 1957. His other credentials include: professor of International Law, University of Madrid, 1939; director of the Institute of Political Studies, Madrid, 1942-1948; dean, faculty of Political and Economic Science, 1948-1951; member, State Council, and president of the International Affairs Commission of the Cortes, 1944-1948; ambassador to Peru, 1948-1951; to the Holy See, 1951-1957. For his viewpoints on religious freedom, see page 7.



*An interview with His Excellency
Fernando María Castiella y Maíz
Foreign Minister of Spain*

The Spanish Religious Liberty Document

By
**ROLAND R.
HEGSTAD**

THE interview with Señor Fernando María Castiella y Maíz, Foreign Minister of Spain, was set up for April 13, but on that date United States Secretary of State Dean Rusk took priority. The crisis created by De Gaulle's announcement that NATO bases must be moved from France and the possibility of a role for Spain in the Alliance were commonly credited by the world press as the reasons for Señor Castiella's sudden trip to Washington.

Señor Fernando Olivie, the capable young aide to the Foreign Minister, was not revealing any state secrets. He did, however, reschedule the interview for Thursday, April 21.

With me in Madrid was Dr. Jean Nussbaum, Secrétaire Général, Associa-

tion Internationale Pour la Défense de la Liberté Religieuse, a Swiss citizen but long-time resident of Paris, whose services in behalf of religious freedom are well known. For three weeks, in company with three technicians from a New York film company, we had toured Eastern and Western Europe, interviewing church and state leaders for a documentary film on religious freedom. Señor Castiella had agreed to discuss the Spanish situation and his viewpoints for the film, and also to be interviewed for LIBERTY magazine.

Why had Señor Castiella sought religious liberty for Spain?

I wished to learn whether the religious liberty bill sponsored by Señor Castiella was likely to be accepted by the Cortes—the Spanish Parliament—this year, and why it had not been acted on by the Cortes in 1964. How would it change the status of Spain's Protestants and, more personally, what were the convictions that had led Señor Castiella to commit himself to achievement of religious liberty in Spain?

It was this last question that intrigued me most. I knew that the Foreign Minister was not free to discuss the content of the proposed law, and most of my other questions could be answered by other sources, including Protestant leaders. I wished to appraise for myself the convictions of a man who had won the confidence of such a shrewd appraiser of character as Dr. Nussbaum—whose intercession on behalf of minority religious groups throughout Europe has given him not only diplomatic

expertise but also a pragmatic regard for the exigencies of politics. (He might say, not without an expressive uplift of one eyebrow, however, "the exigencies of statesmanship.")

Most Spaniards have never met a Protestant

It did not seem to me that defense of the rights of Protestants would benefit a Spanish politician's standing within his country any more than defense of the religious rights of Black Muslims would advance the career of a candidate for the governorship of Alabama or Mississippi. Protestants in Spain number more than 30,000—less than 35,000 probably is closer to an accurate estimate and connotes better the numerical insignificance of Spanish Protestantism. Most Spaniards know Protestants only by reputation—and that, the reputation the Catholic clergy has attached to them. Most Spaniards have never met a Protestant, either of the domestic or imported variety!

The Ministry of Foreign Affairs has its offices in an old prison, the Carcel de Novles, dating from the eighteenth century. Three floors of offices surround a central court, the hewn stone of which is covered with an ornately woven rug. Señor Castiella's ground-floor office is furnished with the casual elegance of old Spain. A rich tapestry depicting a mythological theme covers much of one wall; a three-by-four-foot portrait of Franco sits to one side on an easel.

Señor Castiella had just come from a meeting with the Caudillo when Dr. Nussbaum and I met him at 1:00

Procession of the Seven Words, Valladolid, Spain.



INFORMATION DEPARTMENT, EMBASSY OF SPAIN, WASHINGTON, D.C.

P.M. on April 21. The Foreign Minister is a tall man, about six foot three, weighs perhaps 210 pounds. He has the soft dark eyes of the Castilian, set in a rugged, honest-looking face, thinning hair of brown interspersed with white. A Catholic—which may not need to be said, though nothing in the Spanish Constitution requires any minister of government, with the exception of the head of state, to be a Roman Catholic—Señor Castiella was for six years Spain's ambassador to the Holy See, a post that calls not only for fealty to Catholic doctrine, but also, as those familiar with Spanish-Vatican relations will recognize, for independence of mind.

When we had finished filming Señor Castiella for the religious liberty documentary, and the cameraman and sound technician had left, he invited Dr. Nussbaum to sit beside him on a sofa, gestured me into a chair facing him, and said the equivalent of "fire away." Much of our interview was in English. The Foreign Minister described his English as colloquial, but it proved to exceed his modest estimate. When, on a few questions, he wished to phrase his replies precisely, he spoke in Spanish which was translated by Señor Olivie.

Why were religious liberty problems handled by the Ministry of Foreign Affairs?

I asked Señor Castiella why religious liberty problems, which seemed to me to be primarily an internal matter, were handled by the Ministry of Foreign Affairs. It turned out that the mandate did not accrue to the office but to the man. In 1957, when he became Minister of Foreign Affairs, Señor Castiella said, he discussed with Franco the necessity of achieving religious freedom in Spain. He found in Franco an empathy that encouraged him to seek concessions on behalf of Protestants. Both men recognized that agreement and support of the Roman Catholic bishops would be necessary to achieve substantial reforms. Franco had given Castiella the green light, asking only that he secure cooperation of the church.

The Foreign Minister is in an advantageous position to deal with religious liberty problems, said Señor Castiella, because, in clerical Spain, the Ministry has close diplomatic ties with the church—not only the Roman Catholic Church but other churches as well. Further, he has contact with the ambassadors of many countries and thus is able to determine the problems of minority groups and how they are solved by other governments.

Was Spain's attempt to liberalize its image simply an accommodation to the dollar?

Was not the Foreign Minister also able to tune in a sensitive ear to the world's estimate of Spanish injustices to Protestants? To what degree was Spain's attempt to liberalize its image simply an accommodation to tourism



Holy Week procession in Cartagena.

and the dollar? The questions were phrased more discreetly than that, but Señor Castiella knew what I was asking: Was his position on religious freedom dictated by expediency or principle?

He conceded frankly that, in today's Spain, tourism is a significant source of revenue; an opportunistic philosophy might well have its roots in regard for money or a better image before the court of world opinion. But at the time he had formulated his thinking on religious freedom, some ten years before, Spain was not yet a tourist mecca. He had been motivated not by a desire to "wash the face of Spain," as he put it, nor by regard for tourist dollars, but by the innate conviction of the rightness of religious freedom and the wrongness of the Spanish approach to religious dissent.

Did the concordat between Spain and the Vatican reflect his convictions?

I knew that Señor Castiella, while ambassador to the Holy See, had been prominently involved in negotiating the concordat between his country and the Vatican. (The more interesting articles of that document are printed beginning on page 16.) The concordat contains provisions incompatible with religious freedom. Did it reflect his convictions?



The editor of *LIBERTY* examines some of thousands of articles from the world press on religious intolerance in Spain. Collected by Spanish ambassadors, these were translated and put on the desk of every member of the Cortes—Spanish Congress.

He answered candidly. In what was a "ticklish and delicate assignment," he had, against the opposition of the Spanish clergy and many authorities of that day, kept the terms "as soft as possible." For six years, as ambassador, he had sought the best possible terms for Protestants that Spain's political and religious situation would permit. While working on the concordat, he had "propagandized" for religious liberty. When a Protestant chapel was closed, he had "reflected his personal anger and dismay in the Vatican."

Did he approve of the religious liberty schema of the Vatican Council? He replied that "the document had created a climate of brotherhood in which substantial advances toward religious freedom could be made." Pope John had told him that he recognized that the Spanish situation did not reflect the principles to which the church of God should be committed. The schema reflected a trend that he [Castiella] had exerted his efforts to forward. So far as the document's objectives were concerned, he indicated his wholehearted approval.

Señor Castiella goes beyond the Vatican religious liberty document

Señor Castiella surprised me, however, by expressing a philosophy of religious freedom that went beyond the document itself. To digress for a moment, it must be remembered that the Vatican II document is the product of compromise between liberal and conservative wings within the Roman Catholic hierarchy, and falls short of meeting the definition of religious freedom many clerics themselves ardently champion.

The Vatican religious liberty document, as has been pointed out in *LIBERTY*, is based not on moral and scriptural norms, which would be desirable, but rather on juridical and constitutional norms—a weakness that

opens the document to the charge of expediency: What liberty the church deems it expedient to grant in a pluralistic society, the church may, in a clerical state, deem it expedient to withdraw. Religious liberty, as defined in the document, is primarily a juridical or constitutional issue "to be worked out by the public authority at any particular moment in history in the best interests of 'public peace,' 'public morality,' and 'justice.'" (For a further discussion of this viewpoint, with which American Catholic theologian John Courtney Murray associates himself, see "Behind the Vatican Religious Liberty Document," page 24.)

The atheist: Right to evangelize?

A week before the interview with Señor Castiella, Dr. Nussbaum and I interviewed Cardinal Tisserant, dean of the College of Cardinals of the Curia, at his residence in Rome. He spoke for the documentary film on which we were collaborating, but only after stipulating that we ask no questions concerning the religious liberty document itself. His reason: bitter disappointment that the document had not endorsed unequivocally the right of all men to believe and to propagate their faith—even the atheist had the right to "evangelize"!

Now, again, from a leading Roman Catholic statesman, a faithful daily attendant at mass, whose liberal sentiments spring not from that agnostic liberalism so fashionable even in clerical circles on the Continent but rather from convictions based upon moral and scriptural norms, I heard a testament of liberty which in its theological perception went beyond the Vatican document itself. Said Señor Castiella: "The state can never by coercion produce a worship that God will accept. God Himself desires to be worshiped '*en espíritu y en verdad*' ['in spirit and in truth,' John 4:24]. God does not

coerce men to serve Him but invites them to give Him allegiance. Men have, as the American Declaration of Independence asserts, certain 'unalienable' rights; among these is the right to worship God according to the dictates of conscience."

"Does the Christian have the right to share his faith?" I asked.

"Not only the right but the mandate to do so," Señor Castiella replied.

(I was surprised by his defense of this scriptural norm. I later submitted my notes on this point to him, half expecting that I might have misheard. But he initialed them as I have reported them.)

Religious vitality lacking in Spain

Señor Castiella stated that he had arrived at his convictions while he was ambassador to the Holy See. "Something seemed to be lacking in Spain," he said. I gathered that he referred to religious vitality. Despite its reputation as a solidly Catholic state, only about 15 per cent of Spain's population can be called, as the Archbishop of Valencia has said, "real Catholics." Señor Castiella had determined that the only basis for religious vitality is personal commitment.

What had he done to advance religious freedom in Spain?

He had campaigned for religious freedom, seeking both in the Vatican and among the Spanish clergy to sell the rightness of that position. After becoming Foreign Minister, he spoke to a number of ambassadors, including those from the United States, Switzerland, and Germany. He invited them to give him information on the aims and aspirations of Protestants. He spoke with representatives of the German-American colony and other national groups living in Spain. He then formed a commission within the Ministry of Foreign Affairs. For nine years this committee had studied the principles of religious freedom, its application, the constitutions of the nations, the thinking of different religious groups, and, most important, all problems relating to Spanish Protestants—marriage, proselytism, et cetera. He had discussed these problems with members of the Spanish hierarchy. The correspondence he had had with some of them, he said wryly, "would make interesting reading if it were ever published."

The power of the press

Señor Castiella went to his desk and picked up a stack of documents about a foot and a half high. He set them on the low table before us. "These," he said, "are articles from the world press—newspapers, secular magazines, religious periodicals—whatever has been published on the religious liberty problem in Spain is here." The

articles had been collected, on his orders, by Spanish ambassadors around the world.

I leafed through clippings from the *Washington Post*, the *Brooklyn Tablet*, the *Times* of London, the *New York Times*, *Our Sunday Visitor*, *The Christian Century*, and—at the moment I was not sure how pleased I should be—*LIBERTY*. The headings ranged from the acerbic—"Hierarchy, Franco Pass Buck in Religious Liberty Dispute" (*Catholic Observer*, Springfield, Massachusetts)—to the innocuous—"Spanish Protestant Leader Says Council Is Helping to Curb Bias" (*The Pilot*, Boston). "Backward Ecumenism in Spain" was headlined in the *Brooklyn Tablet* (Catholic) and "Protestant Chapels Reopened in Spain but Legislation Is Shelved," by the *Guardian* of Manchester, England.

Every one of these articles, the Foreign Minister said, had been translated into Spanish and put on the desk of every member of the Cortes! "We faced an education problem in selling the principles of religious freedom," said Señor Castiella. "Much of the opposition to religious freedom was based on ignorance. When members of the government saw how the world outside lived, and how that world reacted to the treatment of Protestants in Spain, their consciences were stirred and they were embarrassed."

The power of the press, in Señor Castiella's estimation, played a major factor in creating an atmosphere whereby religious liberty might be achieved in Spain.

Indemnity for "outrage"

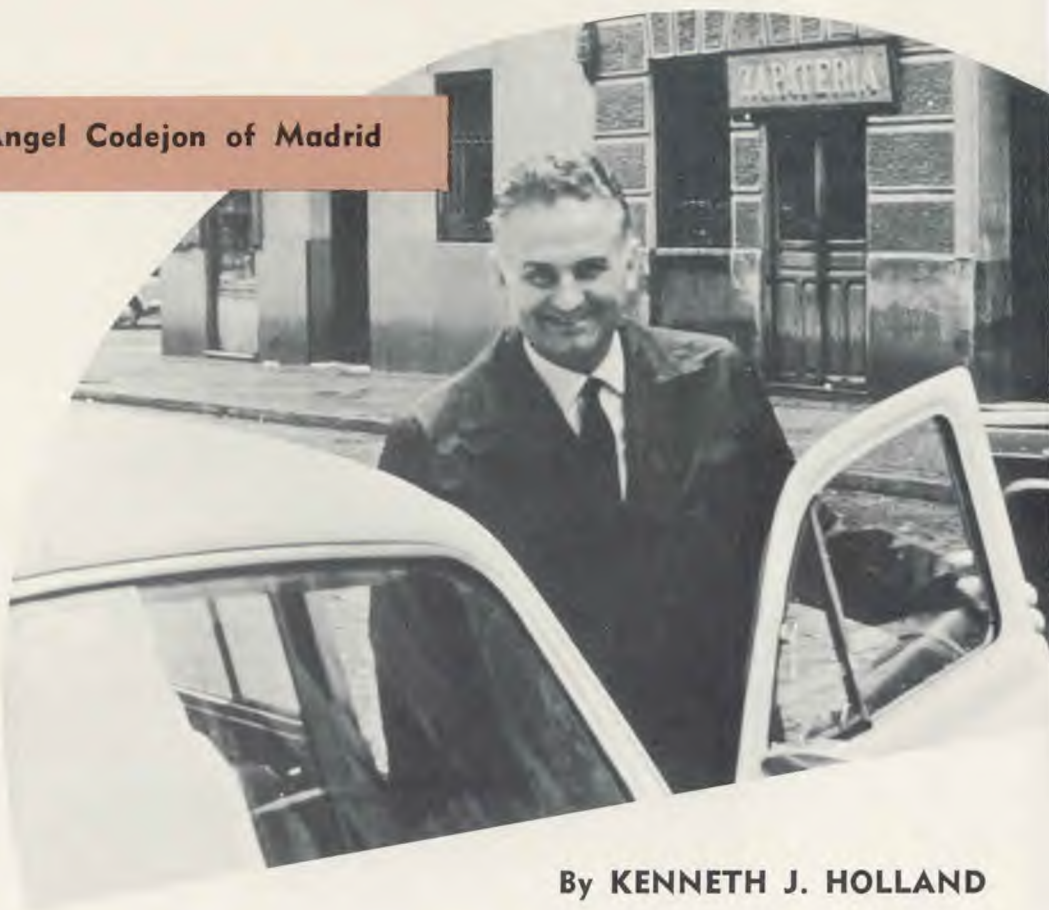
The first success of the committee set up within the Department of Foreign Affairs was achieved in 1956. Motivated by one of the Catholic bishops, police confiscated the Bibles of the British and Foreign Bible Society. Believing that the seizure must be illegal, Señor Castiella asked his aides to search for evidence of violation. This they found, and Señor Castiella was successful in getting the government to vote indemnity for this "outrage." As the result, existence of the Bible Society was legitimized.

I turned my attention to the religious liberty draft that had not been acted upon by the Cortes in 1964, much to the dismay of Protestants and other advocates of religious freedom around the world. What was its status? When would it be acted upon? What were its chances of passage?

Señor Castiella went to his desk and returned with the draft. As he sat down across the table from me, I found myself wishing that I could read Spanish upside down! Though he could not discuss its contents with us, we knew its basic purpose was public recognition of non-Roman churches in Spain, making it possible for them to own property, build schools, churches, and so forth.

(To page 15)

An interview with Angel Codejon of Madrid



By **KENNETH J. HOLLAND**

Editor, These Times

Mr. Codejon, what is your position?

I am the president of the Spanish church of Seventh-day Adventists with headquarters in Madrid.

How many churches do you have in Spain?

Twenty-one.

And what is your church membership?

1,964.

How long have you been in the ministry?

I was born into the Roman Catholic Church. I began my work with the Seventh-day Adventist Church in 1949. I have been a pastor, a young people's leader, and a publishing house worker. Today, in addition to being president of the Spanish Mission, I am also religious liberty secretary. I am 44 years old and married, and we have two boys and one girl.

What is the ecumenical movement doing to Protestant-Catholic relationships in Spain?

For the first time Protestants and Catholics are getting together. This is a very recent thing. Protestants

and Catholics recently joined in dialog in Barcelona and also in Salamanca.

At what level is dialog taking place?

In Salamanca the dialog included pastors and administrative leaders of the Baptist Church, the Spanish Evangelical Church, the Episcopalians, and the Seventh-day Adventists. Catholic leaders included two Catholic ladies who were not nuns.

Have Seventh-day Adventists ever had opportunity in the past to discuss their faith at such a meeting?

No. This was the first time in the history of Spain that Seventh-day Adventists had been included in such a dialog. At this meeting in Salamanca I explained the beliefs of Seventh-day Adventists during the two-hour session.

Do you think there will be more such meetings?

Yes, I do. It was the consensus of our group that we meet at least once every year. We have appointed a lawyer who will draw up a statement about religious liberty. The word *proselytism* was discussed, but we did not arrive at any conclusion.

NEW DAY Looms for Spanish Protestants



First dialog between university educators, Spanish ecumenical specialists, and Protestant pastors held in Salamanca, Spain, May 24, 25, 1966. Mr. Codejon is second from the left on the far side of the table.

In the past have you had any opportunity to proselytize—or, to use a better word, evangelize?

In the past, evangelistic meetings were simply a dream, but now the way has been opened for discussion. The Franco government has requested that one man represent all Protestant churches. This man is a Baptist. His name is Pastor José Cardona. Pastor Cardona is secretary of The Commission in Defense of Evangelism. With this excellent representation we expect great good to come from the discussions of evangelism in the future.

A new religious liberty bill sponsored by Señor Castiella will soon be acted upon by the Spanish Cortes. What do you think will be the future of this new religious law?

At this point the contents of this law are unavailable to us. It will soon be taken to the Houses of the Cortes, and we will just have to wait and see.

What do you hope this new law will contain?

This is a very difficult question. I could perhaps reply best by enumerating restrictions on Protestants in Spain. We have been forbidden (1) to identify churches by any outward sign; (2) to advertise services either by press or radio; (3) to circulate Bibles or portions of the Bible without Roman Catholic notes; (4) to distribute tracts and other evangelical literature on the streets; (5) to have private schools to educate our own children; (6) to teach in public schools; (7) to operate hospitals; (8) to establish old folks' or orphans' homes; (9) to broadcast the gospel over Spanish radio stations; (10) to rent public halls for special gatherings; and (11) to operate public evangelistic bookstores.

The law also should deal with the major types of persecutions, of which there have been six. These include (1) closing churches; (2) refusing to grant permission for the civil marriage of Protestant young people who have been baptized into the Catholic Church



Elementary students in one room of the Seventh-day Adventist parochial school in Madrid. The school must be in the church building and only children of Adventist parents may attend.

in infancy; (3) restricting and confiscating Protestant literature; (4) causing hardships for the education of Protestants in Spain; (5) subjecting Protestant service men to disciplinary action for their faith; and (6) making it difficult for the burial of Protestants, especially in smaller cities and villages.

You say, "We have been forbidden," and that there "have been" six major types of persecution. Are you implying that these restrictions are currently relaxed?

Since Vatican Council II a new climate is slowly evolving, and today, even before a religious liberty law is passed, a number of pressures on Protestants have been relaxed. To give you an example: For the past twenty-five years Protestants have not been able, officially, to open the doors of their churches. We have been meeting anyway. In 1964 two Seventh-day Adventist churches were allowed to open officially. In 1965 thirteen were opened, in 1966, one. Other Protestant churches reflect this improvement, but we are still far from enjoying religious liberty.

As another example, we are now permitted to have a school, but only within our church building and only for Adventist youth. The stigma of being regarded as a secret organization is removed. This is all a sort of dream come true for us.

Are there other liberties that you would like to have the law deal with?

We would like to have more liberty to bring out religious books. At the present time we have permission to publish only one—*Steps to Christ*, by Ellen G. White—and we can distribute it only inside our own church. But I feel that in the future we will have more liberties in this area.

Has the Vatican II pronouncement on religious liberty, which has been called a great milestone in Christian history, really changed anything?

The answer is that it has changed things in part. The slogan today is, Spain Is Different. I am pleased with this new wave of religious liberty, because we can preach freely in our churches. A new feeling has come, mostly, I think, because of the influence of Pope John XXIII.

How does the average Catholic church member feel about this new freedom that Protestants have?

There are two mentalities—the old mentality and the new mentality; the conservatives and the liberals. Conservatives feel that Protestants should not receive these new liberties; liberals wish to have more contact with Protestants and to give them more liberties. Generally speaking, the average Catholic layman feels that it is all right—even desirable—to open Protestant churches. Only people with the old mentality, the medieval concepts, are opposed to it. We have some very strong Catholic laymen in Spain; one who writes every week in the magazines is all for dialog between Protestants and Catholics.

Does religious liberty vary in different parts of Spain?

In tourist areas there is more religious liberty than in the areas generally unvisited by foreigners.

The Spanish Constitution states that the state shall maintain Sunday rest as a condition sacred to work. It also states that the law shall oblige all concerned to keep traditional prescribed religious feasts and declared civic holidays. What is your view on these items?

There is a great need for revision in the constitution, but I doubt very much that there will be a change within the next few years. Ideally, of course, to worship or not to worship, or when to worship, should be matters of individual conscience rather than constitutional fiat.

What effect will the new religious freedom in Spain have on the Catholic Church?

I believe that religious freedom will be of great value to the Catholic Church in Spain. Some liberal leaders of the Catholic Church share this conviction. According to the Archbishop of Valencia only 15 per cent of Spaniards are real Catholics. Perhaps these dialogs will stimulate the Catholic people to more dedicated worship. We greatly appreciate Señor Castiella's statement that the Christian has not only the right to share his faith but also the mandate to do it. We Seventh-day Adventists ask only for a hearing and an opportunity to spread the message we love so much.

★★★

The unidentified front of one of two Adventist churches in Madrid.



The Spanish Religious Liberty Document

(Continued from page 11)

Señor Castiella told us that the document was being revised to bring it into harmony with the principles enunciated in the religious liberty document of the Vatican Council. The bill which had not been acted upon by the Cortes in 1964 had been drafted with a purely Spanish vision of the religious liberty problem; passage of the Vatican II document had made it possible to materially strengthen the bill. In other words, the delay was all to the good. He was optimistic concerning passage of the bill this year.

At the time of the interview the bill was being revised according to suggestions made by three committees. One was composed of officials of the Ministry of Justice, who are lawyers expert in Spanish law. They were being assisted by three theologians. Another committee was working under Ambassador Antonio Garrigues in Rome. The third committee was under Señor Castiella's direction in the Ministry of Foreign Affairs.

At press time, the Cortes is expected to approve the long-awaited freedom document in December or in January of 1967. The public press will refer to it as a religious liberty law, and public officials and clerics, both Protestant and Catholic, will be quoted, extolling the advance it represents. If enacted—and I believe it will be, though, as in the case of the Vatican II document itself, in an amended, compromise form that will not reflect fully the enlightened viewpoint of Señor Castiella or the liberals among the Roman Catholic hierarchy—it will represent, at best, religious toleration, not religious freedom. So long as Spain remains a clerical state, so long as the privileged position of the Roman Catholic Church is protected by a concordat, the modest expectations of Spain's realistic Protestants will not likely be exceeded.

Indeed, what the Roman Catholic Church could not do by years of repression—extinguish Spanish Protestantism—it might achieve by charity. I concluded this after examining a chart shown by a Protestant leader. On it were recorded Protestant baptisms year by year. Without exception, the hardest years for Protestants were the most productive so far as baptisms were concerned! Another conclusion could be drawn from the chart: that Spain's Protestant leaders, used to coping with adversity, have not yet learned to take advantage of prosperity!

At any rate, Protestants and Catholics are talking to each other for the first time since the Reformation. The week I left Spain the leader of one of the so-called Spanish Protestant "sects" told me he had been invited to address a large gathering of Roman Catholic priests on the beliefs of his church. When "separated brethren" get to talking, who knows what may result? ★★★

Signed in Rome on August 27, 1953, the concordat will make strange reading for those nurtured on church-state separation. But it should be read for a clearer understanding of (1) the church-state relationship favored by the Vatican; (2) the ground rules under which a religious liberty document for Spain must be written.

[The text which follows is the English translation of the concordat released by the news service of the National Catholic Welfare Conference. Articles in Roman type involve concessions by the state to the church; articles in bold face involve concessions by the church to the state; and articles in italics define jointly exercised functions where neither church nor state seems to have any clear advantage.—ED.]

THE Apostolic Holy See and the Spanish State, moved by the desire to secure a fruitful cooperation for the greater good of the religious and civil life of the Spanish nation, have decided to enter into a Concordat. Summing up previous accords and completing them, the Concordat will constitute the norm which will regulate the reciprocal relations of the high contracting parties bound by it, in conformity with the Law of God and the Catholic tradition of the Spanish nation.

To this end, His Holiness Pope Pius XII has appointed as his representative, His Excellency Msgr. Do-

will enjoy the rights and prerogatives which are due it in conformity with the Divine Law and the Canon Law.

Article II

1. The Spanish State recognizes in the Catholic Church its character of a perfect society, and guarantees it the free and full exercise of its spiritual power as well as of its jurisdiction. It also guarantees the free and public worship of the Catholic religion. . . .

Article III

1. The Spanish State recognizes the juridical international status of the Holy See and the Vatican State.

2. In order to maintain in the traditional manner the friendly relations between the Holy See and the Spanish State, a Spanish ambassador to the Holy See, and an

The CONCORDAT Between

menico Tardini, Pro-Secretary of State for Extraordinary Affairs; and His Excellency the Chief of the Spanish State, Don Francisco Franco Bahamonde, has appointed as his representatives, His Excellency Don Alberto Martín Artaño, Minister of Foreign Affairs, and His Excellency Don Fernando María Castiella y Maíz, Ambassador of Spain to the Holy See.

These Plenipotentiaries, having exchanged and established the authenticity of their respective credentials, have agreed to the following articles.

Article I

The Catholic Apostolic Roman religion will continue to be the sole religion of the Spanish nation and

Apostolic Nuncio in Madrid, will continue to be permanently accredited in their respective posts. The Nuncio will be the dean of the diplomatic corps according to the rules set by traditional law. . . .

Article V

The state will have as holy days those established by the Church in the Code of Canon Law or in other particular regulations on local festivities, the state will also provide in its legislation the necessary facilities so that the faithful may comply during those days with their religious duties.

Civil authorities, both national and local, will see to it that these holidays are duly observed.



The signing of the concordat. Left to right: Don Alberto Martín Artajo, Minister of Foreign Affairs; Monsignor Domenico Tardini, Pro-Secretary of State for Extraordinary Affairs; and Don Fernando María Castiella y Maíz, Ambassador of Spain to the Holy See.

the *HOLY SEE* and *SPAIN*

Article VI

According to the concession of Popes Pius V and Gregory XIII, the Spanish priests will say daily prayers for Spain and for the Chief of State, according to the traditional form and the prescriptions of the Sacred Liturgy.

Article VII

For the appointment of the resident Archbishops and Bishops and their Coadjutors with the right of succession, will continue in force the rules of the agreement stipulated between the Holy See and the Spanish Government on

June 7, 1941. [This means that when any vacancy occurs, the government, in consultation with the papal nuncio, submits six names to the Pope, who in turn selects three of these names from which the Spanish Government finally picks the person actually designated as archbishop or bishop.] . . .

Article IX

. . . The Spanish State . . . will contribute an extraordinary subsidy for initial expenses needed to organize . . . new dioceses; in particular, it will subsidize the construction of new cathedrals and those buildings necessary for the residence of the Prelate, offices of the chancery, and diocesan seminaries. . . .

Article XI

1. The ecclesiastical authorities will freely establish new parishes and modify the limits of those already in existence.

When these measures imply an increase in the funds contributed by the State, the ecclesiastical authority will seek an agreement with the duly appointed authority of the State, for matters related to that contribution.

2. Should the ecclesiastical authority deem it opportune to group together several parishes by confining them, either in a temporary or definitive manner, to one parish priest, assisted by one or several coadjutors, or by uniting several priests into one presbytery, the state will provide for the total upkeep of those parishes. . . .

Article XIII

1. In due deference to the bonds of piety and devotion that have united the Spanish nation to the patriarchal shrine of St. Mary Major in Rome, the Holy See confirms the traditional honorary privileges and other rulings in favor of Spain as set forth in the Bull "Hispaniarum Fidelitas" ["The Faithful of Spain"] of August 5, 1953.

2. The Holy See grants that the Spanish language will be one of the official languages admitted in the processes of beatification and canonization within the Sacred Congregation of Rites. . . .

Article XV

Clergymen and members of religious orders, whether professed or novices, shall be exempt from military service, in accordance with Canons 121 and 614 of the Code of Canon Law. . . .

Article XVI

1. Prelates referred to in paragraph 2 of Canon 120 of the Code of Canon Law may not be summoned before a lay judge without having first obtained the required permission of the Holy See.

2. *The Holy See agrees that litigation on ownership or temporal rights in which clergymen and members of religious orders are involved may be processed before civil tribunals. In such cases, the Ordinary concerned should receive prior notification of the place of the trial, and also be informed of the court's decision, on the same day it is handed down.*

3. The state recognizes and respects the special authority of the tribunals of the Church in matters relating to crimes which exclusively violate an ecclesiastical law, in accordance with Canon 2,198 of the Code of Canon Law.

THE SPANIS

The Spanish Constitution is not a single document but a collection of constitutional laws that can only be changed by popular referendum.

These constitutional, basic, or fundamental laws are:

The Spaniard's Charter (1945), The Labour Charter (1938), The Cortes Act (1942), The Referendum Act (1945), The Act of Succession (1947), The Juridical Regime of the Administration Act (1957), and the Principles of the National Movement (1958).

TEXT OF THE REFERENDUM ACT

October 22, 1945

All Spaniards are entitled to co-operate in the tasks of the State through the natural institutions constituted by the family, the municipal corporations, and the syndicates, and the basic laws, which are to give new life and greater spontaneity to these institutions within a system of Christian life in common, having been published with the object of protecting the nation against the error observed in the political history of peoples which cause the will of the nation to be supplanted by the subjective judgment of its rulers in matters of major importance. . . .

TEXT OF THE ACT OF SUCCESSION

June 7, 1947

Art. 1. Spain, as a political unit, is a Catholic, social, and representative state which, in accordance with its traditions, declares itself to be a kingdom.

Art. 2. The office of Chief of State is held by the Caudillo of Spain and of the Crusade, Generalissimo of the Spanish Armies, Don Francisco Franco Bahamonde.

Art. 3. Should the Office of Chief of State fall vacant, its powers shall be exercised by a council of regency composed of the president of the Cortes, the highest prelate of the hi-

No appeal from sentences passed by these tribunals may be brought before civil courts.

4. The Holy See agrees that cases against clergymen or other members of religious Orders involving other, non-canonical crimes, which are covered by the penal laws of the state, may be judged by the tribunals of the state.

INSTITUTION

archy (of the Church), Councillor of the kingdom, and the captain-general of the land, the navy, and air forces or the highest ranking lieutenant-general, in that order. The president of the council shall be the president of the Cortes and its decisions, to be legal, must be passed upon by two of its three members and always by the president. . . .

Art. 9. To exercise the office of Chief of State as king or regent, it shall be necessary to be male, Spanish, to be thirty years of age, to profess the Catholic religion, to possess those qualities necessary to fulfill the high office, to pledge respect of the fundamental laws and to swear to uphold the principles of the national movement.

TEXT OF THE LABOUR CHARTER

Declaration of March 9, 1938, converted into basic law of the nation by the referendum of July 6, 1947

Renewing the Catholic tradition of social justice and human feeling which inspired the laws of the Spanish Empire, the State-national inasmuch as it is an instrument completely in the service of the whole country, and syndicalist inasmuch as it stands for reaction against both liberal capitalism and Marxist materialism—undertakes the task of carrying out, with militant, constructive, and religious spirit, the revolution of which Spain is in need and which is to restore permanently to Spaniards country, bread, and justice. . . .

II

2. The State shall maintain Sunday rest as a condition sacred to work.

3. The law shall oblige all concerned to keep traditional prescribed religious feasts and declared civic holidays, to attend the ceremonies ordered by the national heads of the movement, without loss of pay but providing for the technical needs of industry and trade.

Nevertheless, the judicial authority, before proceeding, should request, without prejudice to precautionary measures to be taken in the case, and with due reservation, the consent of the Ordinary concerned.

In the event that the latter, for serious reasons, believes it his duty to deny such consent, he will communicate in writing to the competent civil authority.

The necessary precautions will be taken to avoid all

publicity during the course of lawsuits concerning ecclesiastics. . . .

5. In case of detention or arrest, clergymen and members of religious Orders shall be treated with the consideration due their position and rank.

Sentences involving incarceration shall be served in ecclesiastic or religious institutions which, in the judgment of the Ordinary concerned and of the state judicial authority, comply with the guarantees required; or, at least, in institutions other than secular, unless the competent ecclesiastical authority shall have reduced the prisoner to the lay status.

The rights of conditional liberty and other rights established under state law shall be applicable to imprisoned clergy.

6. In cases involving court seizure of property, ecclesiastics shall be permitted to retain sufficient property to maintain themselves with the decorum due to their state, with the obligation remaining, nevertheless, of paying the debts due to their creditors.

7. Clergymen and members of religious Orders may be summoned to appear as witnesses before tribunals of the state, but in criminal cases they must, subject to severe penalty, first obtain the permission of the local Ordinary. In no case, may magistrates or other authorities demand from them information regarding any individual or matter which they may have obtained by reason of their sacred ministry.

Article XVII

Use of the religious habit by lay persons or by clergymen or other members of religious Orders who have been forbidden to wear such habit by strict order of the competent ecclesiastical authorities, is forbidden and shall be punishable, upon official communication with the government, under the same rules which apply to unauthorized use of the military uniform.

Article XVIII

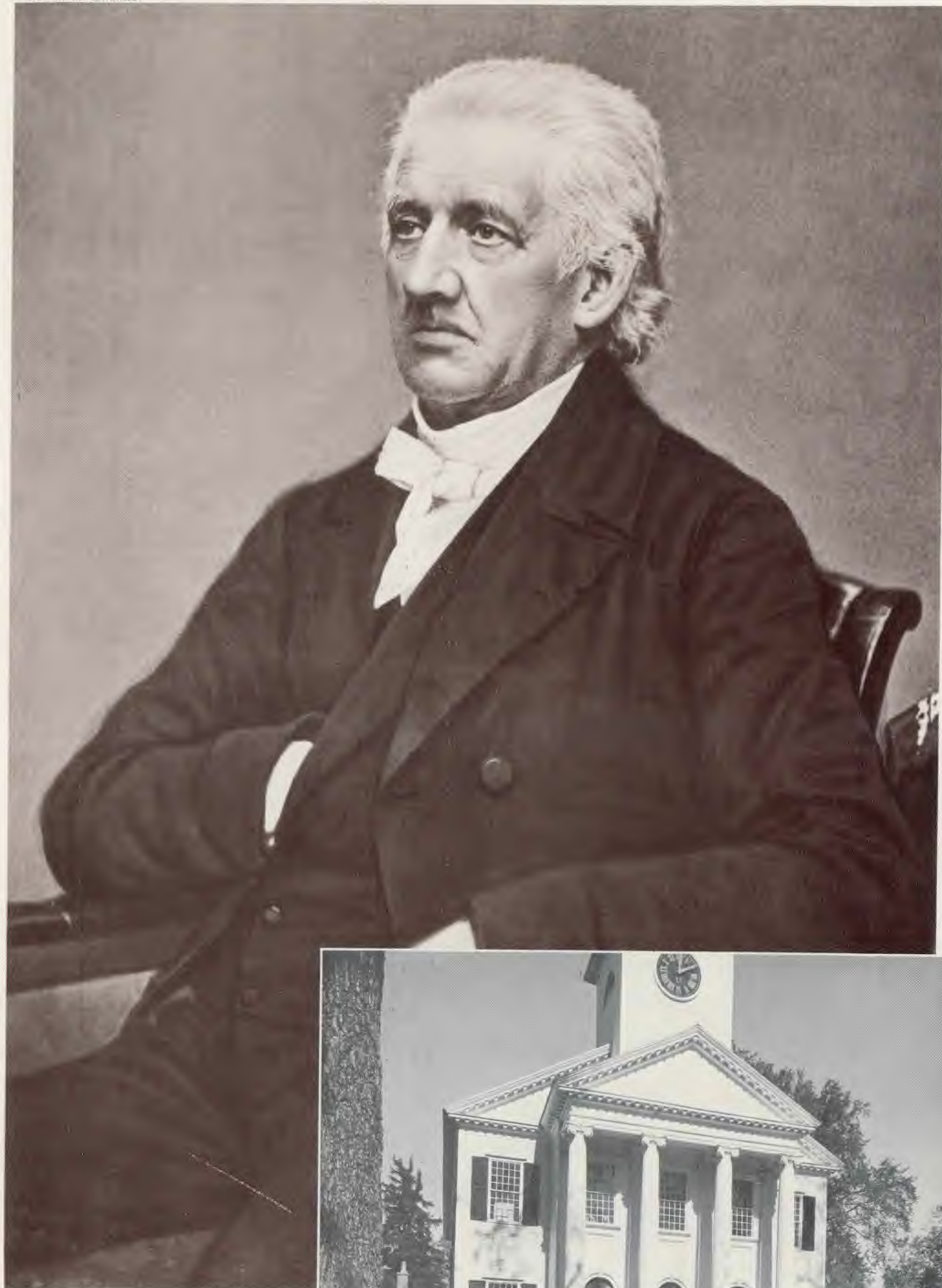
The Church may freely obtain from the faithful contributions authorized by Canon Law; organize collections and receive sums and real estate and other goods, necessary for the prosecution of its ends.

Article XIX

1. *The Church and the state shall study by common agreement means of creating an adequate Church fund which will provide for the maintenance of the clergy and of religious activities.*

2. Meanwhile, the state, by way of indemnification for past confiscations of Church property, and as a contribution to the Church's work for the good of the nation, will provide the Church with an annual endowment.

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**Out of the darkest day of his life
came a principle that revitalized the church**

Lyman Beecher's Great Discovery

By HERBERT E. DOUGLASS

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IT WAS as dark a day as ever I saw," Lyman Beecher recalled in his *Autobiography*, and its editor, his son Charles, said, "I remember seeing father, the day after the election, sitting on one of the old-fashioned, rush-bottomed kitchen chairs, his head drooping on his breast, and his arms hanging down. 'Father,' said I, 'what are you thinking of?' He answered solemnly, 'The church of God.'"¹

It was May, 1818, the darkest hour in the usually triumphant life of one of America's greatest preachers: the fusion party had won the election, making certain the disestablishment of the church in Connecticut. For almost a decade Lyman Beecher, the evangelical war horse, had joined arms with Yale's president, Timothy Dwight, in the defense of the legal prerogatives granted to the Congregational Church in Connecticut. And now, facing disestablishment, the church, to all appearances, was at the mercy of "the minor sects, the Sabbath-breakers, rum-selling tippling folk, infidels, and ruff-scuff generally."²

"It was a time of great depression and suffering," Beecher wrote. "It was the worst attack I ever met in my life. . . . I worked as hard as mortal man could, and at the same time preached for revivals with all my might, and with success, till at last, what with domestic afflictions and all, my health and spirits began to fail. . . . The odium thrown upon the ministry was inconceivable. The injury done to the cause of Christ, as we then supposed, was irreparable. For several days I suffered what no tongue can tell."³

But men of Beecher's stature are not long daunted. In spite of the apparent hopelessness of the hour he arose like a veteran general to gather his scattered and weary forces and in so doing made his great discovery: the loss of establishment was "the best thing that ever happened to the State of Connecticut. It cut the churches loose from dependence on state support. It

threw them wholly on their own resources and on God."⁴

To understand Lyman Beecher's concern for the establishment, a concept seemingly contrary to the new principles of the young Republic, we must understand the situation in Connecticut during the eighteenth century.

For over a century, since the Charter of 1692, civil magistrates administered the religious affairs of the state, or, as it could be as easily said, the civil affairs of the state were controlled by the clergy and specifically, by Calvinist Congregationalism. In the Saybrook Platform of 1708, the Congregational Church was firmly established as the state-supported church; all other church groups were denominated as sects. From that time on, political differences were essentially religious differences. Efforts to save the establishment, or the standing order, were the defensive tactics of the Congregationalists determined to save their legal advantages. A disgruntled Republican, at the beginning of the nineteenth century, described Connecticut as "almost an ecclesiastical state, ruled by the President of the College as a Monarch" wielding the "united power of an ecclesiastic and a politician."⁵

But the establishment eventually led early Congregationalism of piety and vitality into difficult times. The simultaneous attempt to be a parish church for the whole community and the church of the regenerate proved impossible. To accommodate both goals the compromise of the halfway covenant was instituted. This permitted unconverted parents to have their children baptized into the state church and thus to become legal members of the society that allowed only to church members the public offices and numerous other privileges. But the halfway covenant weakened Congregationalism from within and made ineffective its persuasive power upon the segment of the population outside of the established church.

The Great Awakening, centering in the preaching of Jonathan Edwards and assisted by English evangelist George Whitefield, grew out of a heroic attempt to purify the church from within and to restore the primacy of regeneration as the basis of church membership. This emphasis created a rift within the ranks of the Calvinists, which culminated in two antagonistic groups, the Old Light and the New Light, or the Old Calvinists and the Consistent Calvinists, a development that had momentous consequences in the years that followed. However, the attempt of the Edwardians to rectify the growing malaise of the established church veered into excesses of enthusiasm and disorder, which, though practiced by only a minority, brought scandal upon the whole movement. The result was a lingering distrust for revivals within the main church of the standing order, and a new grouping of Separatists who joined the religious forces outside the established church.

TOWARD THE END OF THE CENTURY new forces were added to the mounting opposition toward the standing order. The English deists had been gaining ground among the young country's intellectuals for several decades, but this rationalistic movement aroused no great concern until it began to be associated with the horrendous events of the French Revolution and its age of reason. The words "freethinker," "infidelity," "atheism," "Rousseau," "D'Alembert," became danger signals to those who foresaw inevitable conflict between the new democratizers and the staid Calvinism of New England's politico-religious life.

Chief among those who saw the threat to the standing order was Timothy Dwight, president of Yale from 1795 to 1817, who concluded that the rise of infidelity in the last half of the century was primarily due to the revolutionistic French, and that the future of America and Christianity was at stake. This simple deduction became the backbone of Dwight's determination to save the establishment in Connecticut and America in general; to separate good religion, good morals, and good government from one another was inconceivable to this scholar-preacher-politician whose "sledge-hammer attack on infidelity" rallied "Christian people to the defense of their religion" and gave birth to a new revival, often called the Second Awakening.

This new revivalism was a planned program to bring the people of Connecticut to a personal decision regarding their loyalty to God, which was clearly interpreted as loyalty to Christianity, the standing order, and Federalism in opposition to infidelity, Jacobinism, and the Democrats.⁷ To save Christianity, church members were to vote for the Federalists at the polls; to allow the victory of the Democrats was to open the floodgates to the worst things imaginable "this side of

hell."⁸ For Dwight, the only bulwark for an enlightened Christian community enjoying the blessings of the gospel was the preservation of the state-established Congregational Church.

COMING TO THE AID OF Timothy Dwight was young Lyman Beecher, who entered the fray in earnest in 1814 with a sermon before the Connecticut ministers at Fairfield, entitled "Building of Waste Places." Commenting on this sermon in his *Autobiography*, Beecher said, "The churches did not understand all I meant by that sermon. I foresaw what was coming. I saw the enemy digging at the foundation of the standing order. I went to work, with deliberate calculation to defend it."⁹ The general staff at Yale could not have hoped for a more enthusiastic field general. Beecher rallied the ministers and organized planned revivals with the establishment issue as the rallying cry; he initiated modern principles of advertising in the use of tracts, and organized voluntary associations of laymen to strengthen the interests of the church in an increasingly secular society. He was convinced that the disestablishment would "undermine the deep-laid foundations of our civil and religious order" and "all our blessings would perish in the flames."¹⁰

But the amalgam of the opposition proved too much. The joining of the "sects"—the Methodists, Baptists, Unitarians, Episcopalians—with the freethinkers and the Democrats into the fusion party finally toppled the standing order in May, 1818, and gloom settled over the stalwarts who had held the fort of the establishment for so long.

BUT LYMAN BEECHER'S HOUR OF DEPRESSION was also his hour of great discovery; it became the turning point in his life whereby he entered a larger sphere of Christian leadership and saw many of his dreams for the church surpassed by the actual results of the disestablishment. He recalled later in life: "They say ministers have lost their influence; the fact is, they have gained. By voluntary efforts, societies, missions, and revivals, they exert a deeper influence than ever they could by queues, and shoebuckles, and cocked hats, and gold-headed canes."¹¹

As time went by, not only did the predicted terrifying flood of infidelity not materialize but the hitherto "animosity between us and the minor sects was removed, and infidels could no more make capital with them against us, and they then began themselves to feel the dangers of infidelity, and to react against it, and this laid the basis of cooperation and union of spirit."¹²

Gradually the light dawned into noonday clearness. All the goals and purposes of Christianity that Beecher thought could be promoted only within the es-

tablishment could best be pursued and realized in a voluntary society where the only force exercised was the "moral coercion" of freely persuaded members. For Beecher this conflict over the standing order of Connecticut was "the last struggle of the separation of Church and State" in the United States; in the defeat, a whole new concept emerged that molded and motivated his life for the next half century: "We were thrown on God and on ourselves, and this created that moral coercion which makes men work. Before we had been standing on what our fathers had done, but now we were obliged to develop all our energy."¹³

Sidney Mead notes Beecher's indefatigable ardor for the work of God, that when methods proved themselves wrong, he sank not with them in personal identity but arose to grasp the lessons of his own mistakes: "No doubt he was wise only after the event, but then he was very wise."¹⁴

AMONG THE GROWING WITNESSES to the intrinsic worth of the voluntary principle in religion was the genuine revival of Christian vitality in Connecticut in the 1820's. "Revivals now began to pervade the state. The ministers were united, and had been consulting and praying. Political revolutions had cut them off from former sources of support, and caused them to look to God. Then there came such a time of revival as never before in the state."¹⁵

Another result was the added impetus given to Beecher's favorite method of harnessing the energies of well-meaning men toward some moral or social problem—the voluntary society. From the time he urged the formation of a society to combat the evils of dueling after the Aaron Burr-Alexander Hamilton tragedy, he perfected the techniques necessary whereby a free association of men, crossing church lines, could exert effective influence on public opinion and execute far-reaching social reforms and missionary advances.¹⁶

Winthrop Hudson notes the spectacular rise of voluntary associations in the early years of the nineteenth century: "At the turn of the century, local societies, for the promotion of a host of causes—missions, education, peace, temperance, Sabbath observance, tract distribution, manual labor institutes—had begun to appear, and within a relatively brief period the local, state and regional societies were replaced by organizations national in scope, such as the American Bible Society (1816), the American Colonization Society (1817), the American Sunday School Union (1824), the American Temperance Society (1826), the American Home Missionary Society (1826), the American Education Society (1827), the American Peace Society (1828), the American Seamen's Friend Society (1828), the American Tract Society (1828), the

American Anti-Slavery Society (1833), and others too numerous to mention."¹⁷ The success of the voluntary principle was largely the result of Lyman Beecher's example and teaching.

His son, Charles, comments in the *Autobiography* that his father sensed, although unconsciously, the inherent dynamism in the "moral coercion" of persuaded people even while he sought the battle for the establishment. "One of the most remarkable phases of his whole career is that in which we see him, on the one hand, making Herculean efforts to uphold the system of Church and State, and, on the other, lavishing almost superhuman energies in laying the foundations of the voluntary system."¹⁸

MANY LESSONS HAD been learned since those earlier days when Beecher and his colleagues tried to restore the morals of Connecticut by legislative coercion. He recalled the prodigious expenditure of energy in their attempts to "preserve our institutions and reform the public morals. . . . I look back with astonishment at the amount I did without feeling fatigue. And you can't think too much of that time when we began to bring back the keeping of the Sabbath. We tried to do it by resuscitating and enforcing the law. That was our mistake, but we did not know it then. I remember I thought it over, and talked it over, and wrote and preached it over; and wherever I went, I pushed that thing, 'Brace up the laws—execute the laws.'"¹⁹

Beecher's great "mistake" was turned into his "great discovery,"²⁰ that the vitality of the Judeo-Christianity tradition depends upon the free acceptance of convicted participants and not upon a legally coerced program that molds by force the morals of its citizens. As Beecher learned through experience, and our nation has demonstrated so effectively in the years since, in a genuine republic such as the United States the voluntary principle in religion is the only method by which the guarantees of the Constitution can be realized, as well as the only principle that will keep the churches dynamic and self-maintaining. The real danger to public morals is that the churches should forget their reason for being by either sheer neglect or by diluting their theology and thus have nothing convincing in word or example to offer the world without. ★★★

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- ⁸ *Ibid.*, p. 43.
- ⁹ Beecher, p. 269.
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- ¹¹ Beecher, p. 452.
- ¹² Winthrop Hudson, *The Great Tradition of the American Churches* (New York: Harper & Brothers, 1953), p. 72.
- ¹³ *Loc. cit.*
- ¹⁴ Beecher, p. 345.
- ¹⁵ *Ibid.*, p. 275.
- ¹⁶ *Ibid.*, p. 344.
- ¹⁷ *Ibid.*, p. 453.
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IN SOME quarters the religious liberty declaration promulgated in September, 1965, by the Second Vatican Council, has been highly praised. One of the most recent appreciations is the resolution passed at the last central committee meetings of the World Council of Churches in Geneva which says:

"We welcome with satisfaction the Vatican Council's declaration on religious liberty with its clear statements proclaiming full civil religious freedom, both individual and collective, for everybody, everywhere."

By others the declaration has been more cautiously received, while still others feel that it does not basically change the traditional doctrine of the Catholic Church which, in the Middle Ages, sent to a violent death millions of sincere Christian people who did not see eye to eye with Rome.

To appraise rightly the declaration, therefore, it is necessary to get "behind" the document and try to understand the contending views out of which the present compromise emerged, and assess their probable influence on its interpretation now and in the future.

Fortunately, we are assisted in doing this by a perusal of John Courtney Murray's book *The Problem of Religious Freedom*, as no one is more knowledgeable than he concerning the struggles that have been going on behind the scenes.

Three Views of Liberty

In his book, Father Murray explains that there are two main views of liberty contending for supremacy in the Roman Catholic Church at the present time; but as what he calls the second view has developed from two widely different standpoints into two schools of thought, it is more correct to say that there were three views which received consideration in framing the council document.

The first view, which Father Murray designates the traditional view, is based upon the historic principle that "only the truth has rights, whereas error has no rights." It asserts that the "erroneous conscience" is endowed with "internal personal freedom" which has "the right not to be forced to abandon its religious convictions and not to be coerced into acceptance of the true religious faith." This "internal personal freedom" extends to the "religious freedom of the family," but beyond this the erroneous conscience has "no right to external social freedom . . . no right to public expression or manifestation of its beliefs in worship, witness, or teaching," and "in particular it has no right publicly to propagate or disseminate its beliefs." It can, therefore, "claim no immunity from the repression of its external social manifestations by the public powers." And indeed, wherever possible, the state has the duty to put all "false religions" "beyond the bounds of public life and social action."

BEHIND THE VATICAN RELIGIOUS LIBERTY DOCUMENT

Does the
Vatican Council
Action Really
Bind Rome to
a Policy
of Tolerance?

By **W. L. EMMERSON**

Contributing Editor, London



Acclamation of Paul VI near close of Vatican II, December 5, 1965.

Where it is possible to put these principles into operation as in Catholic states, they are to be fully implemented. Where this cannot be done, as in many modern states, varying degrees of "tolerance" may have to be acceded to "to avoid greater evils or to obtain greater good."

Progressives' Views of Liberty

The second view, which is in process of development among progressive theologians of the Catholic Church, takes the line that the traditional view is inseparably tied in with the idea of the Catholic state, which is largely irrelevant to the present state of society, and asserts that the church today must rethink its position on liberty in the light of the "concrete exigencies" of "contemporary historical experience."

We live today, it states, in a situation in which "freedom not force" is the dynamism of personal and social progress. This manifests itself in a free "search for truth, the free expression and dissemination of opinion . . . free access to information," and in harmony with this "personal and volitional consciousness of contemporary man" in other spheres, there is a demand for "religious freedom" in the sphere of the spiritual.

In such circumstances, one school of "progressive" theologians feels that the Catholic Church must reconsider its "theological-moral" theory of religious freedom, and draw the appropriate conclusions as to the proper constitutional consequences. These theologians have come to the conclusion that freedom of the human person means that all men have the right not only to *internal* freedom but also to full *external* freedom in society, insofar as the rights of others are not prejudiced. They further assert that as the state as at present constituted is not competent to judge in religious matters,

its sole duty is to protect the religious freedom of all. And they believe that if such conditions of freedom can be realized, Catholic "truth" will ultimately win the allegiance of the rational mind.

Another group of progressive Catholic theologians, however—the second school of Father Murray's second view, with which he personally associates himself—disputes the validity of this new theological-moral approach. They consider it methodologically wrong to argue a new general theory from particular historical circumstances. It leads, they say, to the idealizing of full religious freedom as a universal norm, which it may not be in all circumstances. Further, it restarts "the futile argument" about the rights of an erroneous conscience when the state, as at present constituted, is in no position to judge between truth and error.

This second school, therefore, starts with the idea that religious freedom is primarily a juridical or constitutional issue to be worked out by the public authority, at any particular moment in history, in the best interests of "public peace," "public morality," and "justice."

The state achieves these ends in society through the "coercive discipline of law and political power," and the function of law on this basis "is to be useful to men. Necessity and usefulness for the common good—these are the norms of law."

The State's Responsibility

The second school goes on to say that because society today is religiously "pluralistic," the state is not capable of judging between truth and error. Consequently, its responsibility in the "public care of religion" is no longer the "care for the exclusive right of truth" and the "extermination" of "religious error," as it was in the days of Catholic Christendom, but to "recognize, guar-

antee, protect, and promote religious freedom for all men."

Up to this point the adherents of the two progressive schools, despite their differing starting points, are at one. But now we come to the significant difference between them.

Whereas those in favor of rethinking religious freedom as a theological concept deplore the intolerance of the church in the past—and even go so far as to assert that it never was in the best interests of the church, and that the church could be suffering today in some countries for the errors of judgment in the past—those who start from the point of view of freedom as a purely constitutional issue based on the contemporary situation would limit any declaration on liberty to what is "necessary" and "useful" in the present circumstances, without pronouncing judgment on the church's actions in the past or tying it down to a particular policy for the future.

The function of law, they stress, is to be "useful to the people." Consequently, a law that may be good at one particular time may not be good at another time. On this basis "the historical constitution of establishment and intolerance are to be judged '*in situ*'" and "they might well be judged *valid 'in situ.'*"

In the Middle Ages, when the Roman Catholic religion was universally recognized by the Holy Roman Empire and its rulers accepted the guidance of the higher law of the church in their administration of the inferior law of the state, the law was most "usefully" used in maintaining the unity of Christendom in the Catholic religion by the suppression of heretics. In other words, the institutions of establishment and intolerance were "useful to people in the condition of the personal and political consciousness of . . . that time."

Liberty in a Pluralistic Society

Today, however, when religious pluralism obtains, the state is not in a position to judge between truth and error, and in some countries, by wrongly arrogating to itself authority in spiritual matters the state has actually exalted "error" and sought to exterminate the "truth."

Consequently, the law will be most "useful" today if it allows maximum religious freedom to all, thus affording the "true religion" the opportunity to win again allegiance to itself.

But now to press this view to its logical conclusion, it follows that, if in any country or at any time the allegiance of the people is won again to the "true religion," and the state re-establishes Catholicism as the religion of that country, the proper "use" of the law could again be to guard the newly won privileges of the true religion and to make sure, by appropriate means of repression, that error did not again raise its head.

Which means, as Dr. A. F. Carrillo de Albornoz very properly points out in his review of Father Murray's book in the *Christian Century*, that "this positivistic, historical, and pragmatic attitude would, in fact, permit all situations of intolerance in the past, in the present, and [why not?] in the future to be considered 'valid.'"

Legal Intolerance Useful?

Realizing that this conclusion might be drawn by Protestant thinkers, Father Murray hastens to say that while "it may be useful for the people of God in certain countries of the world today that the church should be recognized by law as the common religion of the people," and while it may be proper that "the institution of establishment should be retained in these countries . . . no argument can be made today that would validate the legal institution of religious intolerance, much less canonize it as a Catholic idea. The institution cannot even be tolerated today as a harmless archaism. Nor is it even permissible to raise the question whether legal intolerance may be useful to the people—either to the people of God or to the civil people."

But, asks Dr. Albornoz, "Why is it not permissible to raise the question of whether legal intolerance may be useful?"

If "religious unity of a particular society or people" is a "good of the highest order," then where it is possible for the law to be useful in maintaining "religious unity," as in Spain or other Roman Catholic countries, surely it would, on this theory, be perfectly proper to "employ legal intolerance for protecting useful religious unity." For the only difference between using the law "usefully" and using it in an "intolerant manner" is one of standpoint, that is, whether one is benefited or hurt by the law.

As a matter of fact, in reference to Spain, Msgr. Guerra Campos, secretary of the Episcopal Commission, and Auxiliary Bishop of Madrid, has stated that the Vatican Council declaration "leaves untouched the doctrine of the juridical confessional church of a nation and makes no change in the effect of the concordats."

And so, if a country at present religiously pluralistic should, under conditions of religious freedom, become predominantly Catholic, it would be in line with this Catholic theory for the state to establish the Catholic religion, to negotiate a concordat with Rome, and for the law of that land, in carrying out its function of usefulness, to become repressive toward non-Catholics.

And if through a vast resurgence of Roman Catholicism the world were to be won again to Rome, it would, on this theory, be entirely compatible for the laws of a predominantly Catholic society to pursue their useful function of assuring its continuance by eliminating the last vestige of all "false religions." ★★★

SHOULD CHURCHES BE

TAX-EXEMPT?

CONCLUSION

Dr. D. W. Jellema, professor of history at Calvin College, Grand Rapids, Michigan, continues his search for a basis on which the evangelical Christian may justify tax exemptions for churches.

THE question of whether churches should be tax exempt involves church-state relationships of complexity and sensitivity.

In the last issue of *LIBERTY* we found that the problem involves not only church and state but also the ideology of society itself.

After outlining five possible positions on church-state relationships—corresponding to five types of society—I examined the three that seemed to show some promise, only to conclude that none was completely satisfactory to the evangelical Christian. These were: The state should work closely with the church because both are concerned with Christ; the state should tolerate and indirectly subsidize the church because both are concerned with reason; the state should directly subsidize the church because both are concerned with faith.

In this concluding article I wish to set forth a position—groping and vulnerable though it may be—that will provide a basis for answering the question, Should churches be tax exempt?

But let us look first at the history of tax exemption in the United States.

The United States, in short, followed the same pat-

tern as did Western society as a whole. The Christian sacral state, in the West, was dying out by 1650 or 1700; the enlightenment idea of the "neutral secularist" state based on reason gradually succeeded it. After 1850, reason's "God" was increasingly doubted, and even indirect ties between church and state were questioned. By the twentieth century "totalitarian secular" ideas were expressed, and both Communist and Nazi movements grew from them. In the United States, after World War II especially, "neutral secularism" was challenged by "faith-supported secularism," and the same trend can be seen in other Western democracies.

In Puritan New England the "sacral state" was taken for granted, and both state and church served Christ; churches were supported by State taxes. The deism of the enlightenment, perhaps dominant among the educated by 1750, took it as obvious that Christianity, since it helped "rational" morality, should be indirectly subsidized. Indeed, so general was this feeling that it was taken for granted rather than being written into law. (Massachusetts, for example, did not legislate on the matter until 1837.) Important attacks on tax exemption thus do not come until after 1850, when the

supposed connection between reason and reason's "God" was questioned. In some cases the issue was raised in the legislatures; and in at least one case (Iowa, 1870's) led to a bitter struggle. But, although it was increasingly difficult to give a convincing defense of indirect state subsidy to churches, attempts to do away with tax exemption made little progress. The force of habit and custom, the sanctity of long-established tradition, the power of inertia, and the general public feeling that such exemption should be continued were too strong.

As a tax commission's report to the New Mexico Legislature summed it up in 1920: Such exemption "... while in our opinion quite illogical and provocative of much abuse, has apparently met with the general public approval and the support of churchgoers and other beneficiaries who are instrumental in the formation of public opinion. It seems useless to criticize these exemptions though it should be obvious that whatever reason may exist for holding this property as private property is equally good reason for paying taxes thereon."

AND THERE THE MATTER has rested: "It seems useless to criticize" that which has "general public approval." Thus the Brookings Institute, surveying Iowa revenues in 1933, avoided serious consideration of increasing revenue by taxing church property. The public had long shown its favor of exemption, and "it is not likely that any different verdict would be issued today."

The courts, of course, cannot judge by "public approval" but must interpret the law. The First Amendment to the Constitution prohibits laws respecting the "establishment of religion," and many States have similar constitutional provisions. The interpretation of provisions has been, and is, disputed. Even the 1962 Supreme Court decision to refuse to consider an appeal carried from the Rhode Island Supreme Court, asking that tax exemption for churches be declared unconstitutional, is by no means conclusive. The Supreme Court held that "no substantial federal question" was involved, and the State court's decision thus stood—State legislatures can determine to whom tax exemptions can be granted.

In two major State court cases tax exemption was upheld, but on dubious grounds. The Supreme Court of Iowa, in its 1877 decision dealing with a State constitutional provision against "establishment of religion," said tax exemption was allowable, but gave no grounds. The Illinois court in 1928, dealing with a similar case, approved exemption because in a "Christian nation" it was allowable—a most dubious ground.

The Supreme Court, in the *Everson* case of 1947,

said among other things that neither a State nor the Federal Government can pass laws that "aid all religions," let alone one in particular. The following year, in the *McCullum* case, not only direct aid to religion but indirect aid (in the specific case, use of public tax-supported property) was called unconstitutional. What the Supreme Court would rule on tax exemption for church property should a clear-cut case come before it is, of course, conjectural.

Public pressure for removal of tax exemption is rising as the extent of church holdings receives more and more publicity. Substantial as these are in the States, they do not approximate the vast holdings of the church in other countries.¹ Yet such a noted churchman as Eugene Carson Blake is quoted by Martin A. Larson as seeing problems ahead of "'such magnitude that their only solution will be the revolutionary expropriation of church properties.'"²

AS WE HAVE SEEN, the question of tax exemption involves us in church-state relations, and this in turn involves us in the problem of the basis for society. We have considered three possible approaches and seen difficulties in each. I shall now suggest the basis on which the evangelical Christian may justify tax exemptions—while admitting that my answer involves difficulties and raises further questions.

Man's duty is to carry out God's will, which is that man love Him and love his neighbor. This will is revealed *fully* only in Christ, who died for man that man might live. The duty of society, then, is also to carry out God's will, and so also is it the duty of the state. But the state cannot in this present era carry out this revelation fully; it cannot base itself on God's full revelation in Christ. This is because Christ demands complete and voluntary commitment from those who follow Him. If the state demands such commitment, it is no longer voluntary. If the state demands love, it is no longer love. Perhaps, if every individual in a society were completely and voluntarily committed to Christ, the state could be based on Christianity, but in this era, when the wheat and the tares grow together, this is impossible.

Or, in other language: The state's duty and society's duty is to carry out God's will as this is revealed in His image in man. But this image has been lost in large part by man, and is restored only in Christ (who is man as well as God). It is not restored fully even in the believer. Thus, again, *in this era* the state cannot carry out its full duty.

The state must then base itself on, and take as its present duty, the following of God's will as it remains accessible to all men, or, on the remnants of true human nature which all men still have. It has also, of course, to *allow* the presentation of God's full revela-

tion; but it cannot in any way force recognition of it, nor should it (nor need it) *favor* this presentation above other presentations, for any such favor contains an element of compulsion.

This general revelation of God to all men, this remnant of the created image in all men, this light from the Logos available to all men, accounts for the fact that man can build societies. It is that which produces "civic good," in Calvin's term. We can speak of *laws of nature*; not only laws of physical nature accessible to man's reason in the narrower sense, but also laws of *human* nature, resting on the fact that all men retain something of the original image of God, something of their true human nature. These laws of nature are accessible (partially; insofar as man has remained *partially* truly human, retained *remnants* of the image) to all men. They are discovered not by reason in the narrower sense, but by reason in a sense broad enough to include the spiritual dimensions of the remnants of the image. It is that which remains of true "human-ness" in man which responds to, and "discovers" these laws—partially. Only in Christ can they be recovered fully; but this recovery must be by way of fully voluntary commitment, so that the state, perforce, must be based on the partial humanity which all men retain. And this partial humanity should be seen not as some retention of abstract reason, for that is not the essence of the image, but in retention of something of *person*, something of that original mirroring of the Person of God.

The state, then, should encourage the "person-ness" of its citizens, acting on that appreciation of "person-ness" that can be obtained by all persons, using not only abstract reason, but a much broader reason connected with "person-ness."³ Again, full understanding of what "person-ness" means comes only through Christ (and indeed only through the Trinity). But all men know something of it. Since both church and state are concerned with *persons*, each should help the other. Here, then, is the basis on which the evangelical Christian may justify the state's granting tax deductions to the church.

SUCH AN APPROACH to the question of tax exemption is meant only as a broad approach, a beginning; there are, obviously, many sleeping dogs which are best let lie. I am aware, moreover, that the pressures of the times are *not* in the direction of such an approach, but rather in the direction of the "secularism supported by faiths" approach. We may well be tempted by the offer of substantial state aid in return for unqualified approval of the "American way of life."

We have come a long way from our founding fathers. But before we applaud when, in contrast, George Romney speaks of the Constitution as a "divinely-inspired

document . . . written by inspired men raised up just for that purpose,"⁴ or Eisenhower feels we need a "deeply-felt religious faith—and I don't care what it is,"⁵ or teen-age idol Tommy Sands affirms that "all religions are the greatest"⁶—before we applaud, we might remember these words: "I have lived believing in God and I die believing in God. . . . I have peace in my heart."⁷ "I was . . . loyal, obedient and happy to be of service to my fatherland. I fulfilled my duty with a clear conscience and a believing heart."⁸

They were made by one product of the age of "faith in faith," Adolph Eichmann. ★★ ★

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THE AGE OF CONSENSUS

By DONALD F. HAYNES

This is the age of the consensus. What the individual thinks or wants has been swallowed up in the new concern for the general good, the public interest. Thus we are able to present to the world the face of the faceless mob as we scream forth the new imperative, One for all, and all for one.

We will be accepted and loved at all costs, including time, money, talent, and morality. Nothing matters but the great surge ahead toward peace and world brotherhood.

It matters not how we got this way. It matters not that we started out in quite a different direction. It matters not that much of what we have as a nation has come to be because of individuality. It matters not that, as we shift our direction, we stand to lose all we have as we sink gradually into facelessness.

The important thing is that we do what we are going to do together, with a solid front, with an eye single to our precious image.

The question now is, Can we stop this doomward rush of the human stockyard?

It isn't likely.

But whether or no, we have our conscience to live with. We have our face to behold in the mirror.

So, God helping us, we will concur only when it is right, never just for the fawning favor of the mob. We will speak out. We will declare our faith in the eternal verities. We will pursue the holy grail of freedom.



HEARING ON DIRKSEN AMENDMENT

EARLY this year, Senator Everett Dirksen announced he would sponsor legislation that would protect the "free exercise of religion." With 48 Senators backing the Dirksen prayer amendment, the Senate Subcommittee on Constitutional Amendments held hearings August 1 to 8. This issue has a particularly strong emotional potential. A writer in *Human Events*, April 2, 1966, comments: "Who but a cantankerous atheist could object?"

At first glance, the proposed constitutional amendment sounds innocent enough: "Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer."

A proposed constitutional amendment, however, needs more than a casual glance, and many legal experts and church leaders are concerned with its effects. First, there is its sweeping language: "Nothing contained in this Constitution shall prohibit . . ." Here, in one phrase, the protection of the First Amendment is swept aside—that amendment which for 175 years has protected citizens from governmental interference in religion.

The expression "providing for or permitting" voluntary prayer is perplexing. Has the wall separating church and state so ably built by our forefathers now so completely crumbled that we are ready to give the government permission to "provide for" voluntary prayer? What will be provided? A chapel, a minister, prayer books, rosaries?

Then there is the word "permitting." Too many places exist today where government can permit or not permit religion. Is religion to be on a permit basis in the United States?

Motivation for the proposed amendment is plain to see. Crime is rampant and rebellion against authority increases. National leaders are rightfully concerned for the future of this nation. However, the real question raised by the Dirksen amendment is whether the

machinery of government shall be employed to fight this tide of lawlessness by providing religious exercises in public schools. If history teaches anything, it is that our forefathers wrote the First Amendment to avoid state-controlled religion. It's dangerous to tamper with present religious freedom!—W.M.A.

CHURCH-AFFILIATED COLLEGE GRANTS UPSET

AN UNEXPECTED and consequently spectacular victory for separation of church and state took place in the Maryland Court of Appeals on June 2, 1966. The State's highest court struck down as a violation of the First and Fourteenth Amendments to the Constitution three special Maryland laws providing grants of taxpayer funds to church-related colleges. The decision not only saves 2 million dollars of Maryland's public funds but it strengthens the right of all citizens everywhere not to have to contribute through taxation to the religion of others.

This opinion, *Horace Mann League v. Board of Public Works*, written by Chief Judge Prescott, is important not only for its acceptance of the traditional constitutional principle of separation of church and state but also in its clear presentation of the historical events which make that acceptance mandatory for the preservation of religious liberty in our nation. The court has given us a new profile in courage to remind Americans of all faiths of the grim history of man's inhumanity to man where the wall of separation is not guarded night and day.

Let us listen to the warning of this great contemporary court:

"We have set the same forth at some length to demonstrate that the problem to be considered and solved when the First Amendment was proposed was not one of hazy or comparative insignificance, but was one of blunt and stark reality, which had perplexed and plagued the nations of Western Civilization for some 14 centuries, and during that long period, the union of Church and State in the government of man had produced neither peace on earth, nor good will to man."—FRANKLIN C. SALISBURY, *Counsel for Protestants and Other Americans United*.



UNITED STATES

American Jewish Congress Leader Asks Review of "Aid" Laws

New York.—A Maryland Court of Appeals ruling against State grants to three church-related colleges makes advisable a "full-scale reconsideration and review" of all legislation concerning public aid to religious educational institutions, an American Jewish Congress official has declared.

Howard M. Squadron, a vice-president of the congress and head of its law and social action commission, referred to the recent ruling by Maryland's highest court which invalidated grants totaling \$2.5 million to two Roman Catholic-, one Methodist-, and one United Church of Christ-related school.

The congress official called on the United States Congress "to amend not only the Higher Education Facilities Act but the Elementary and Secondary Education Act and similar laws to bar the allocation of public funds, directly or indirectly, for the benefit of sectarian institutions."

He called also on the New York State Legislature to follow the Maryland court ruling, which stated that the grants to the four colleges were unconstitutional. The schools are unmistakably "sectarian," the court declared, in their "community image," their administration by church-guided officials, and the nature of their staffs and curricula.

Governor Remits Fines Levied Against Amish

Des Moines, Iowa.—Governor Harold Hughes has set aside fines totaling \$4,360 that were levied against 14 Amish fathers in northeast Iowa for not sending their children to State-approved schools.

The fines had been assessed before an agreement was reached several months ago under which the Old Order Amish group accepted State-certified teachers in two one-room schools in the Amish community near Oelwein.

Governor Hughes has the power under Iowa law to remit fines. He does not have the authority to set aside court costs, which total \$2,945.

The 1967 Iowa Legislature is to be asked to establish a permanent fund that would pay the cost of teachers for the Amish children.

SCOTLAND

Church of Scotland Protests Payroll Tax Proposal

Edinburgh.—The Church of Scotland (Presbyterian) has joined the Church of England (Anglican) and other religious bodies in campaigning for relief from the new payroll tax due to be imposed in Britain this September.

Prime Minister Wilson's government has proposed a \$3.50 payroll tax to be paid by employers in non-manufacturing concerns on all men employees and half that sum for women. It would add millions of dollars to the expenses of churches, charitable organizations, bodies such as the Salvation Army and the Anglican Church Army, orphanages, and so on.

Criticism of the tax was expressed at the General Assembly of the Church of Scotland here by Dr. John Fraser, convener of the General Administration Committee. He said it would cost the church \$280,000 a year and would have a "most damaging and discouraging effect" on church life.

SWITZERLAND

Indonesia Playing Vital Role in Southeast Asia Church Life

Geneva.—Indonesia's key importance for the entire Christian situation in Southeast Asia was stressed by Dr. Marcel Pradervand, general secretary of the World Presbyterian Alliance, as he returned from a three-week visit to Reformed churches in Indonesia and the Philippines.

The churchman said it is obvious that Indonesia's anti-Communist blood bath last October has had a "tremendous impact" on the people of the country with the mass killings compelling people "to rethink the meaning of their lives."

"Unprecedented mass movements to the churches have been one result," Dr. Pradervand said, citing various locations where from 200 to 450 groups of converts have been baptized.

At the same time, he added, "some extreme Moslem groups have begun to react (to the mass conversions) . . . with threats of violence and other pressures." In one area, he said, such threats caused some 1,300 of 2,500 people to withdraw from preparation for baptism.

The Concordat Between the Holy See and Spain

From page 19

ment. This will include, in particular, the apportionment of funds for diocesan Archbishops and Bishops, coadjutors, auxiliaries, general vicariates, cathedral chapters, collegiate churches, and parishes, as well as funds for seminaries and ecclesiastical universities and for the general practice of the (Catholic) religion. . . .

If, in the future, a marked change in the general economic situation should occur, the endowments will be adjusted to the new situation in such a manner that support of religion and the clergy will always be assured.

3. The state, ever faithful to the national tradition, will award annual subsidies for the construction and repair of parish churches, rectories, and seminaries; the development of religious Orders, congregations and Church institutions devoted to missionary activities; and to the care of monasteries of historic value to Spain. It will also award subsidies toward the support of the Colegio Español de San Jose and the Spanish church and residence of Montserrat in Rome.

4. The state will collaborate with the Church in establishing and financing social institutions for the benefit of aged, feeble and invalid clergymen; also, the state will provide an adequate pension to resident Prelates who, for reasons of age or health, retire from their posts.

Article XX

1. The following institutions will be exempt from taxation and from state or local contributions:

a) Churches and chapels used for worship, as well as the buildings and quarters placed at the service of Catholic associations; b) The residences of bishops, canons and priests in charge of parishes, when these residences are church property;

c) Headquarters used as offices for the chancery and for the rectory;

d) Catholic universities, and seminaries for education to the priesthood;

e) Houses belonging to religious Orders, congregations or institutes, or to secular institutes canonically established in Spain;

f) Colleges and centers of education which depend in some way on the ecclesiastical Hierarchy and which meet the requirements for educational and charitable institutions.

In this exemption are included the gardens and other properties which belong to the institutions listed, on the condition that they will not be put to any industrial or other profitable use.

2. A total exemption from taxation will also apply to objects pertaining to Catholic worship, as well as the publication of instructions, pastoral letters, diocesan bul-

letins and any other instrument of ecclesiastical authorities regarding the spiritual guidance and direction of the faithful; no taxes will be levied for the posting of these documents in the customary places.

3. Likewise exempt from taxation are contributions and endowments for worship and for the clergy, which are referred to in article 19, as well as those funds used for the exercise of the priestly ministry.

4. All other goods and properties belonging to ecclesiastical institutions or persons, as well as the income of these persons not derived from the religious activities of their apostolate, will be subject to taxation according to the general laws of the state and under the same conditions applying to other institutions and persons.

5. Donations, legacies or inheritances destined for the construction of buildings devoted to Catholic worship, for religious institutions, or for religious purposes in general, will be in the same taxation category as those funds put to charitable and teaching use. . . .

Article XXIII

The Spanish State recognizes the full civil validity of marriages performed according to the norms of Canon Law.

Article XXIV

1. The Spanish State recognizes the exclusive competence of the ecclesiastical courts in cases involving the nullity of ecclesiastical marriage, in those where separation is sought, or in other cases involving the dispensation from marriages "*ratum non consummatum*," or having to do with the Pauline privilege. ["A legitimate marriage, even consummated, between non-baptized persons can be dissolved in favor of the party who is converted. This is the 'Pauline Privilege' or the 'Privilege of the Faith.' . . ."—*National Catholic Almanac for 1953*, p. 570.]

2. Once a demand of separation or of nullity has been established and admitted before the ecclesiastical tribunal, the civil court should dictate, at the request of the interested party, both precautionary norms and measures used to regulate the civil effects of the pending process.

3. When its sentences and decisions have been confirmed and have become enforceable, the ecclesiastical courts will notify the civil court in its jurisdiction. The civil court, in turn, will decree the necessary measures to give civil effect to the ecclesiastical court's decisions. The civil court will ordain, in the case of nullity, the "super rato" dispensations, or the application of the Pauline privilege, all these measures to be duly noted in the Civil Registry on the margin of the marriage certificate.

4. In general all sentences, decrees and decisions of

an administrative nature issued by ecclesiastical authorities regarding any of the matters subject to their jurisdiction will have validity also in the civil order. Once they have been notified, the state authorities and civil officials will render the necessary assistance in carrying out these sentences, decisions and decrees. . . .

Article XXVI

In all institutions of learning—whatever their level and purpose and whether belonging to the State or not—education will be imparted in accordance with the dogmatic and moral principles of the Catholic Church.

Ordinaries will freely exercise their mission of vigilance regarding the integrity of Faith, good morals and religious teaching in these educational institutions.

Ordinaries may demand the banning and suppression of textbooks, publications and other teaching material which are contrary to Catholic dogma and morals.

Article XXVII

1. The Spanish State guarantees the teaching of the Catholic religion as a regular and compulsory subject in all educational institutions, whether state-controlled or not, and whatever their level and purpose.

Children of non-Catholic parents will be exempt from this teaching, upon the request of their parents or tutors.

2. In primary public schools, teachers themselves will impart religious instruction, except when the Ordinary objects to someone for reasons prescribed in Canon 1381, Article 3, of the Code of Canon Law. This instruction also will be periodically supplemented by Catechism lessons given by the parish priest or his delegate.

3. In public institutions of secondary education, religious instruction will be given by priests or religious, or instead by lay professors appointed by the competent civil authorities on recommendations of the Diocesan Ordinary.

Where military establishments and schools are concerned, the proposed names will come from the Military Vicariate.

4. *By common agreement, both civil and ecclesiastical authorities will organize throughout the entire country special teachers' aptitude tests for those who will be entrusted with the teaching of religion in universities and public secondary institutions.*

These tests will apply also to prospective teachers in secondary schools who do not possess academic degrees in sacred sciences, such as a doctorate or licenciature, or its equivalent, when members on religious Order of congregations are concerned.

The examining boards for such tests will be composed of five members, three of them ecclesiastics, of which one will be the chairman.

5. Religious instruction in universities and their affiliated institutions will be given by ecclesiastics holding

a doctorate from a Catholic university, or its equivalent in the case of a member of a religious Order or congregation. Once the candidate passes the academic tests, his appointment will be made upon the recommendation of the Diocesan Ordinary.

6. Professors of religion appointed according to rules specified in paragraphs 3, 4 and 5 of this article, will enjoy the same rights bestowed upon the other professors, and will belong to the faculty of the institution concerned.

They can be removed at the request of the Ordinary and upon invoking any of the reasons set forth in the already mentioned Canon 1381, Article 3, of the Code of Canon Law.

The Diocesan Ordinary should have a voice when the removal of a professor of religion is under consideration by the academic authorities for reasons of teaching inability or discipline.

7. Professors of religion at non-state schools must have a certificate of aptitude issued by the Ordinary.

Revocation of this certificate will instantly deprive the teacher of his functions.

8. The subject matter of courses in religion, both in public and nonpublic schools, will be prepared in accordance with the competent ecclesiastical authority.

Only textbooks approved by the ecclesiastical authority can be used in the teaching of religion.

Article XXVIII

1. State universities may impart, by agreement with the ecclesiastical authorities, regular courses specializing in Scholastic Philosophy, Sacred Theology and Canon Law; programs and textbooks should be approved by the same ecclesiastical authorities.

These courses may be given by priests, religious or lay teachers holding graduate degrees from a Catholic university, or the equivalent from the respective Order when a member of a religious order is concerned; all of them must have the *Nihil Obstat* of the diocesan Ordinary. . . .

Article XXIX

The state will assure that services and institutions which mold public opinion, and in particular radio and television, grant due attention to the explanation and defense of the religious truths, a task which will be trusted to priests and members of religious orders and in accordance with the Ordinary.

Article XXX

1. Catholic universities, seminaries and other Catholic institutions undertaking the education and cultural training of the clergy and other members of religious Orders, will continue to function exclusively under the ecclesiastical authorities, and will enjoy the recognition and the guaranty of the state. . . .

The state will seek to render as much financial help as possible to institutions of religious orders and congregations, especially those devoted to the training of missionaries. . . .

Article XXXI

1. The Church freely exercises its right, as established by canon 1375 of the Code of Canon Law, to organize and operate its own schools, regardless of level or purpose, which are open for general registration—including lay students. . . .

Article XXXII

1. Religious care in the armed forces will conform to the regulations established by the agreement of August 5, 1950.

2. Diocesan Ordinaries, conscious of the necessity of providing the proper spiritual assistance for those in the military service, will acknowledge the obligation of providing a sufficient number of priests for the Military Ordinariat. The priests will be both zealous and well prepared for the worthy discharge of their important and delicate mission.

Article XXXIII

The state, in agreement with the ecclesiastical authority, will provide the necessary means so that hospitals, sanitaria, penal establishments, orphanages and like institutions shall have the proper religious assistance for their inmates and the personnel in charge.

By the same token, the state will seek the observance of these norms in similar establishments in private hands. . . .

Article XXXV

1. *The Holy See and the Spanish Government will proceed, in common accord, with the settlement of all questions and difficulties that may arise in the interpretation or enforcement of any clause in the present Concordat, with ultimate recourse to the principles which inspire this document. . . .*

Article XXXVI

1. *The present Concordat, of which both the Italian and Spanish text are equally valid, will enter into force upon the exchange of the instruments of ratification, which should take place within the two months following signature.*

2. *Once the Concordat enters into force, all other regulations embodied in laws, decrees, orders and rulings which, in any form, might be contrary to the stipulations set forth by this Concordat, will be considered as null and void.*

The Spanish State will promulgate within a year the rulings in domestic law made necessary for the compliance of this Concordat.

In testimony whereof, the plenipotentiary representatives affix their signatures to this Concordat.

Prepared in duplicate original copies

Vatican City, August 27, 1953

Signed: Domenico Tardini—Alberto Martín Artaño—Fernando María Castiella y Maíz.

Final Protocol

At the time of signing the Concordat, which is today being entered into between the Holy See and Spain, the plenipotentiaries signing the agreement have, by mutual agreement, made the following statements which will be an integral part of the Concordat itself:

In Reference to Article I

In the national territory the provisions of article 6 of the Spanish Charter [*Fuero de los Españoles*] will remain in force.

In regard to the toleration of non-Catholic faiths, in territories under Spanish jurisdiction in Africa, the "status quo" observed up to now will continue in force.

[This means that a non-Catholic in Spain may not be "molested on account of his religion, creed, or the private practice of his cult," although the *public* practice of his cult will cause his arrest by the police; and that Moslems and Jews in Spanish-controlled African territories may continue to worship publicly as before—apparently because they are too numerous to be placed under the restrictions prevailing in Spain.] . . .

In Reference to Article XXIII

. . . c) In the matter of acknowledgment of a mixed marriage between Catholic and non-Catholic persons, the State shall formulate its legislation so as to harmonize with Canon Law.

d) In the juridical regulation of marriages of non-baptized persons, impediments contrary to natural law shall not be established. ★★★



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the launching pad

With **C. MERVYN MAXWELL**
Department of Religion, Union College, Lincoln, Nebraska



Q. I enjoy *Liberty* and don't want to be critical. I should, however, correct a statement in a recent *Launching Pad*. (See January-February, 1966.) The therapeutic use of hypnotism is not decreasing in America as you stated, but is actually increasing.

A. Thank you for your kind letter and your correction. The explanation of our discrepancy seems to be that the use of hypnotism by dentists and obstetricians to control undesirable physical phenomena (such as excessive bleeding) is increasing, but that the use of hypnotism by psychiatrists and psychologists to treat personality problems related to the mind is, indeed, decreasing. My comments were directed primarily to the use of hypnotism (on television) to treat personality problems.

Q. I'm sure you don't intend to break up American families, but your unreasonable hostility to Sunday-closing laws is bound to contribute to this. Our country has got to have a closed Sunday so that families can worship together and be together. Shame on you!

A. I firmly believe that religion, like charity, should begin at home—a united home.

But can Sunday laws guarantee that a family will pray together and so stay together?

Something else can guarantee family religion and solidarity—voluntary adherence by the family to the letter and the spirit of the fourth commandment of the Decalogue: "Remember the sabbath day, to keep it holy. . . . The seventh day [Saturday] is the sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, . . ." (Ex. 20:8-11).

Families can be built best on a foundation of full loyalty to the Lord Jesus Christ and obedience to His commandments. The Good Book says, "Except the Lord build the house, they labour in vain that build it."

Q. Why do you so dogmatically oppose Federal aid to religion? If you believe that America needs Christianity, shouldn't you be willing for the churches to receive all the help they can get?

A. I wonder whether you can demonstrate that providing subsidies is the best way for the Federal Government to aid religion.

Figures can lie; statistics are sometimes blind guides. But can we ignore the reports that in European countries where governments support established churches, Sunday mornings find at most only 25 per cent of the people in the pews, and often as few as 2 per cent whereas on Sunday mornings American churches contain as much as 44 per cent of the population.

Our Federal Government can "aid" our churches and synagogues best by not giving them any Federal aid.

Q. I agree with you 100 per cent on Saturday's being the Sabbath. Please give me your opinion about Christmas and Easter. I think these two days are absolutely pagan.

A. While it is true that the seventh-day Sabbath (Saturday) is the only day which God has commanded men to keep holy, no day of the year can be a wrong day for Christians to attend church and worship their Lord. The apostle Paul urges Christians to meet together "all the more" as time goes on (Heb. 10:25, R.S.V.).

Easter contains pagan elements. Bunnies that lay eggs are relics of disgusting "fertility" religions. Christian Easter, however, was strongly entrenched in the church as a memorial of the resurrection before these pagan elements were grafted into it.

One evidence: The church for centuries called the Easter celebration "Pascha," a word related to the Jewish word for Passover (because Jesus died and rose again at the Passover season) rather than by the pagan name "Easter." Another evidence: The extended debates in the second, third, and fourth centuries over the proper date for the "Pascha" dealt with Jewish calendrical calculations, ignoring the dates for contemporary *pagan* spring festivals.

Christmas is somewhat different. The early church for centuries observed the supposed date for the visit of the Wise Men, around January 6. The custom of a birth celebration on December 25 began in the fourth century. The date was taken from paganism, particularly Mithraism. Most Christians are unaware of this pagan element today, and find December 25 as convenient as any other date for celebrating Christ's birth. God has specified the weekly holy day. Easter and Christmas He has neither demanded nor denied.

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